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10/761,402	01/22/2004	Shinya Yamasaki	725.1166	3312

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EXAMINER	
ALI, MOHAMED HATEM	
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3692	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/761,402	YAMASAKI, SHINYA	
	Examiner	Art Unit	
	MD HATEM H. ALI	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 December 0207*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-2, 4-8 and 10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a **Final-Action** on merits in response to the communication received on 12/26/2007.

Acknowledgement

2. **The claims 3 and 9** are cancelled. **The claims 1-2, 4-5 and 7-8** are amended. **The claim 10** is newly added. As such the claims **1-2, 4-8 and 10** are pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claim 10** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 10, the phrases, "displaying terms" at line 3, "a new term" at line 5, and "all the terms" at line 8 are new matters and are not found in the original specification.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-2, 5-8 and 10** are rejected under 35 U.S.C. 102(b) as being anticipated by ***Heilman*** (2001/0034689).

As per claim 1, *Heilman* discloses a remote negotiation apparatus which causes, a provider of a service and a receiver to negotiate remotely through a network communication before a service including sales of merchandise is provided (see **Abstract**; via a system for negotiating a transaction over a network using computer hardware and software over the Internet and also a system website server [**0013**, line 6]), comprising:

a control unit which displays a first window (para **0011** and **Fig.1**, via computer hardware and software # **10** and **#14** communicate trade over a global network, such as the Internet with inherent service provider) representing a commercial transaction document specifying the service on a first operation terminal used by the provider (see **Fig.1**, potential seller # **16** or provider) (see **Fig.1**, potential buyer **#12** or receiver) information items included in the commercial transaction document being input by the provider or the receiver, and displays a second window including the input information

items on a second operation terminal used by the receiver (see **Fig.1**, potential buyer **#12** or receiver and para **0011 and 0012**; via first user [seller]'s screen display a message [quote] of first user to engage in a on-line session with the second user [buyer] on quote and contract terms).

wherein said control unit requests an approval operation by the receiver for each of the information items, and, when the approval operation is not performed, restricts the provider to input next information items to the first window (para **0011**; via computer software [control unit] to enable users [buyer] inherently with approval and restriction functions and also para **0012**, line 10; via the chat box/ticket screen allows the first and second users to haggle over contract terms [implied information items] in the chat box while simultaneously passing amended versions of negotiation ticket back and forth).

As per claim 2, *Heilman* discloses a remote negotiation apparatus which causes, a provider of a service and a receiver to negotiate remotely through a network communication before a service including sales of merchandise is provided (see **Abstract**; via a system for negotiating a transaction over a network), comprising:

a control unit which displays a first window representing a commercial transaction document specifying the service on a first operation terminal used by the provider, information items included in the commercial transaction document being input by the provider or the receiver, and displays a second window including the input information items on a second operation terminal used by the receiver (para **0013**, lines 7-11; via First user [seller/provider] terminal and para **0015**, lines 1-5; via second user [receiver/purchaser] terminal).

Wherein said control unit requests an approval operation by the provider for each of the information items, and when the approval operation is not performed, restricts the receiver to input next information items to the second operation terminal (para **0011,** lines 2-3; via computer hardware and software [control unit] to enable users [seller] inherently with approval and restriction functions).

Claim 3- cancelled.

As per claim 5, *Heilman* discloses that when all information items necessary for finishing the commercial transaction document are input, said control unit displays all the input information items on the first and second operation terminals at once and requests a confirmation operation for transaction items specified by the commercial transaction document according to all the input information items (para **0020;** via the modifiable and electronically transmittable negotiation ticket and first and second users agreement for the proposed transaction).

As per claim 6, *Heilman* discloses that the commercial transaction document is at least one of an estimate, a contract, and a purchase order, which decides an amount, related to providing of the merchandise (para **0014**; via the quote includes a quantity, a price term, a payment term and a delivery term for the transaction).

As per claim 7, *Heilman* discloses a remote negotiation method, a provider of a service and a receiver to negotiate remotely through a network communication before the service including sales of merchandise is provided, (see **Abstract**; via a system for negotiating a transaction over a network), comprising:

a first displaying of a first window representing a commercial transaction document specifying the service on a first operation terminal used by the provider (para **0041**; via Internet **21**, terminals [**10/12 ,14/16**] and commodities and also **Fig.1**, potential seller # **16** or provider); and

a second displaying of information items included in the commercial transaction document which are input by the provider to the first window displayed on the first operation terminal, in a second window a second operation terminal used by the receiver (**Fig.1**, potential buyer **#12** or receiver and para **0042**; via **Fig.2**, **Fig.3**, GUI screen **22**, Quote Recap window **26** and respond link **28**).

wherein said control unit requests an approval operation by the receiver for each of the information items, and, when the approval operation is not performed, restricts the provider to input next information items to the first window (para **0011**; via computer software [control unit] to enable users [provider/buyer] inherently with approval and restriction functions and also para **0012**, line 10; via the chat box/ticket screen allows the first and second users to haggle over contract terms [implied information items] in the chat box while simultaneously passing amended versions of negotiation ticket back and forth).

As per claim 8, ***Heilman*** discloses a remote negotiation method, a provider of a service and a receiver to negotiate remotely through a network communication before the service including sales of merchandise is provided, (see **Abstract**; via a system for negotiating a transaction over a network), comprising:

First displaying of a first window representing a commercial transaction document specifying the service on a first operation terminal used by the provider; and Second displaying of information items included in the commercial transaction document which are input by the provider or the receiver, in a second window on a second operation terminal used by the receiver (para **0013**, lines 7-11; via First user [seller/provider] terminal and para **0015**, lines 1-5; via second user [receiver/purchaser] terminal), wherein

when the information items are input by the receiver to the second window an approval operation by the provider is requested for each of the information items (para **0011**; via computer hardware and software [control unit] to enable users [seller and buyer] inherently with approval and restriction functions),

when the approval operation is not performed, the receiver is restricted to input next information items to the second window (para **0011**; via computer hardware and software [control unit] to enable users [seller and buyer] inherently with approval and restriction functions), and

the next information items which are input in the second window are displayed into the first window on the first operation terminal when the approval operation is performed (para **0011**; via computer hardware and software [control unit] to enable users [seller] inherently with approval functions with related reflection step).

Clam 9 - cancelled.

As per claim 10 (new), ***Heilmann*** a remote negotiation method between a service provider and a service receiver (see **Abstract**; via a system for negotiating a transaction over a network), comprising:

Inputting and displaying terms (para **0013**, line 2-6) of a commercial transaction via a first terminal used by the service provider and a second window terminal used by a service receiver (para **0013**, lines 7-11; via First user [seller/provider] terminal and para **0015**, lines 1-5; via second user [receiver/purchaser] terminal), wherein

a new term is input after a current term input by one of the service provider and the service receiver is approved by the other one of the service provider the service receiver (para **0012**, lines 10-14; via amended version of the negotiation ticket back and forth until agreed or approved implied), and

all the terms are displayed on the first terminal and the second terminal for a final approval by the service provider and the service receiver to conclude the commercial transaction (para **0020**, lines 1-9; via a firm offer and agreement confirms a contract implied with displayed quote on negotiation ticket).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over ***Heilman*** in view of ***Liu*** *et al* (2002/0027901).

Heilman discloses all the elements of the claimed invention, but fails to explicitly disclose that every time the information items necessary for finishing the commercial transaction document are input, said control unit executes at least one of voice output and highlighting related to the information items on one of the first and second operation terminals, on which the window to which the input information items should be reflected is displayed.

However, ***Liu*** in the same field of invention discloses the concept of voice communication between a first station and a second station providing an interface allowing input of a transaction specifications (para **0033**, lines 46 and para **0063**; via voice, transaction specifications and **VoIP**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify voice output and highlighting information items to include voice communication and transaction specifications in order to facilitate both parties to specify their mutually agreed connection criteria and transaction tracking mechanism (**0038** and **0039**).

Response to Arguments

9. Applicant's arguments with respect to **claims 1-2, and 4-8** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MD HATEM H. ALI whose telephone number is (571)270-3021. The examiner can normally be reached on 8.00 to 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA

Mohamed H Ali
Examiner
Art Unit 3692

/Harish T Dass/
Primary Examiner, Art Unit 3692